

CASE NO. 1:06 CR 565-18

ORDER ACCEPTING PLEA
AGREEMENT AND JUDGMENT AND
NOTICE OF HEARING

Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Berry Thompson is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Berry Thompson is adjudged guilty of the lesser offense in Count 1 in violation of 21 U.S.C. § 846 and § 841(b)(1)(B) and of Count 30 in violation of 21 U.S.C. § 841(a)(1) and § 841(b)(1)(B)(iii).

Sentencing will be:

**13 November 2007 at 3:00 p.m.
Courtroom 9-A
9th Floor, United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE

Dated: 20 August 2007